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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/698,771	10/31/2003	Christopher D. Bartlett	FMCE-P103	9592
7590	06/20/2007		EXAMINER	
Henry C. Query, Jr. 504 S. Pierce Avenue Wheaton, IL 60187			BEACH, THOMAS A	
			ART UNIT	PAPER NUMBER
			3671	
			MAIL DATE	DELIVERY MODE
			06/20/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)
	10/698,771	BARTLETT, CHRISTOPHER D.
	Examiner	Art Unit
	Thomas A. Beach	3671

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 19 March 2007.
- 2a) This action is **FINAL**. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-49 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1,4-8,14,16-20,27,34-38 and 45 is/are rejected.
- 7) Claim(s) 2,3,9-13,15,21-26,28-31,33 and 39-49 is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO/SB/08)
 Paper No(s)/Mail Date _____.
- 4) Interview Summary (PTO-413)
 Paper No(s)/Mail Date. _____.
- 5) Notice of Informal Patent Application
- 6) Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. Claims 1, 4-8, 14, 16-20, 27, 34-38 and 45 are rejected under 35 U.S.C. 102(e) as being anticipated by Blair et al 6,817,417. Blair shows the method and apparatus for attaching a first component 16 which comprises a depending portion to a second component 12 which comprises a bore that is sized and configured to receive the depending portion (18 & 36 are received in the bore 50), the first and second components being exposed to a fluid which is at an ambient pressure, the method comprising the steps of inserting the depending portion at least partially into the bore; and creating a bore pressure within the bore which is less than the ambient pressure; wherein a pressure difference between the ambient pressure and the bore pressure is capable of and will move the depending portion into the bore to thereby attach the first component to the second component (col. 2, lines 35-45 & 60 -65) when the depending portion is partially attached; thus anticipating the claims. Blair further shows that the first component is a well cap 16 and the second component 12 with a wellhead and tree (claim 32).

As concerns claim 4, Blair shows the pressure creating step comprises the step/device(s) of removing at least a portion of the fluid from the bore 28.

As concerns claim 5, Blair shows the fluid removal step comprises the steps/device(s) of providing a fluid conduit, which extends through at least one of the first and second components and communicates with the bore 28.

As concerns claims 6, 16 and 34, Blair shows the steps/device(s) of providing a vacuum means (not shown, but inherent to create suction); and fluidly connecting the vacuum means to the fluid conduit (via 28 and 30).

As concerns claim 7, 17-20, and 35-38, Blair shows the vacuum providing step comprises the step of providing a self-contained vacuum means, which is sufficiently light weight to be carried by an ROV (col. 2, lines 45-47).

As concerns claims 8, 27 and 45, Blair shows the step/device of mechanically locking the first component to the second component (with seal members 42 and 52).

Allowable Subject Matter

2. Claims 2-3, 9-13, 15, 21-26, 28-31, 33, and 39-49 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Arguments

3. Applicant's arguments filed 03/19/07 have been fully considered but they are not persuasive. Applicant's arguments have been noted; however, as detailed above in the rejection the amendment does not overcome the rejection. As detailed above, the claim language does not preclude the interpretation or situation in which the ambient pressure and the bore pressure is capable of and will move the depending portion into the bore to

thereby attach the first component to the second component when the depending portion is partially attached; thus anticipating the claims.

Conclusion

4. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thomas A. Beach whose telephone number is 571.272.6988. The examiner can normally be reached on Monday-Friday, 8:00am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas Will can be reached on 571.272.6998. The fax phone number for the organization where this application or proceeding is assigned is 571.273.8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Thomas A. Beach

June 8, 2007

THOMAS A. BEACH
Primary Examiner
Group 3600